SINGLE BENCH

(2) (4)

CF-1002

IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 4598 /2006

PETITIONER : Both Ram Patel, S/o. Late Shri Thanda Ram Patel aged about 50 years, resident of Village – Jaimura, Tahasil-Kharsia, District-Raigarh (c.G.).

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through Secretary, School Education Department, Government of Chhattisgarh, D.K.S. Bhawan, Raipur (C.G.).
2. The Commissioner, Tribal Development Department, Raipur (C.G.).
3. Collector, Raigarh (C.G.)
4. Block Education Officer, Kharsia, District-Raigarh (C.G.).

P.R. No. 4635-6
Presented by Shri M.K. Singh
dated 24/8/06

Rina
24/08/06
RECEIVED-COPY
CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT/WRITS, DIRECTION/DIRECTIONS ETC.

XI-HC-78

(32)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.4598/ **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

30-8-2006

Mr. M.K. Sinha, counsel for the petitioner.

Mr. G.K. Beriwal, Deputy Advocate General for the State/ respondents, on advance copy.

Heard both the counsel, on admission.

By the instant writ petition, the petitioner has questioned the correctness of the order dated 16-6-2006 passed by respondent No.2, whereby he has been transferred under rationalization scheme, as the petitioner has been declared surplus under the rationalization scheme from the existing school.

Clause 7 of the rationalization scheme provides for provision of an appeal, if the person is aggrieved by the order. Therefore, alternative remedy is available to the petitioner and he ought to have availed the right of appeal. Therefore, the writ petition is dismissed, in limine. No order as to costs.

Time taken by the petitioner in filing the instant writ petition from the date of filing of this petition till its disposal shall be condoned by the appellate authority. Seven days of limitation for filing the appeal shall start from today.

Consequently, M.(W.)P.No.3556/2006 stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Soma

P.T.O.